

Adopted	Rejected
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COMMITTEE REPORT

YES:	14
NO:	0

MR. SPEAKER:

*Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1222, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1 Page 1, between the enacting clause and line 1, begin a new
 2 paragraph and insert:
 3 "SECTION 1. IC 8-1-29-0.5 IS ADDED TO THE INDIANA CODE
 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 5 1, 2001]: **Sec. 0.5. As used in this chapter, "additional**
 6 **telecommunications service" means a telecommunications service**
 7 **provided to a customer that results in an additional monthly**
 8 **charge to the customer. The term includes unauthorized,**
 9 **misleading, or deceptive charges for products or services that**
 10 **appear on the customer's telecommunications bill. The term does**
 11 **not include a telecommunications service to which the customer**
 12 **subscribes or for which the customer pays on a per-use basis.**
 13 SECTION 2. IC 8-1-29-1.3, AS ADDED BY P.L.135-1999,
 14 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2001]: Sec. 1.3. As used in this chapter, "letter of agency" means a written statement that a customer signs that authorizes:

- (1) a change to that customer's primary interexchange carrier or primary local exchange carrier; **or**
- (2) an additional telecommunications service.**

SECTION 3. IC 8-1-29-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. A customer of a telecommunications provider may not be:

- (1) switched to another telecommunications provider unless the customer authorizes the switch; ~~or~~
- (2) billed for services by a telecommunications provider that without the customer's authorization added the services to the customer's service order; **or**
- (3) billed by the telecommunications provider for an additional telecommunications service unless the customer files with the telecommunications provider a letter of agency for the additional telecommunications service."**

Page 2, delete lines 18 through 27, begin a new paragraph and insert:

"Sec. 3. "Consumer goods or services" means any of the following:

- (1) Tangible or intangible personal property or real property that is normally used for personal, family, or household purposes.**
- (2) Property intended to be attached to or installed on real property without regard to whether it is attached or installed.**
- (3) Services related to property described in subdivision (1) or (2).**
- (4) Credit cards or the extension of credit."**

Page 4, line 30, after "fund." insert **"However, if the amount of money in the fund at the end of a particular state fiscal year exceeds two hundred thousand dollars (\$200,000), the treasurer of state shall transfer the excess from the fund to the state general fund."**

Page 7, between lines 3 and 4, begin a new paragraph and insert:

"Sec. 3. The attorney general may employ counsel to represent the state in an action under this chapter.

Sec. 4. In an action brought under this chapter, the attorney

1 general may recover from the defendant, in addition to any
2 remedies obtained or penalties imposed under IC 24-5-0.5, the
3 following:

4 (1) All money the defendant obtained through violation of this
5 article.

6 (2) Reasonable attorney's fees.

7 (3) Costs of the action."

8 Page 7, line 10, delete "Class A" and insert "**Class B**".

9 Page 7, line 11, delete "D felony" and insert "**A misdemeanor**".

10 Page 7, line 17, delete "D felony" and insert "**A misdemeanor**".

11 Renumber all SECTIONS consecutively.

(Reference is to HB 1222 as introduced.)

and when so amended that said bill do pass.

Representative Fry